IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

LA.App..No. 471 of 2003(C)

LAR.101/1993 of PRINCIPAL SUB COURT,KOLLAM
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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA
SRI.RAJAN JOSEPH, ADDL.A.G.

RESPONDENTS: CLAIMANTS/RESPONDENT NO.2
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1. S.KRISHNAN S/O. LKARUTHAKUNJU,
CHALLITHARAYIL VEEDU, VELLANATHURUTH THURAYIL,
ALAPPAD VILLAGE, KARUNAGAPPALLY.

2. K.VISWANATHAN S/O. KRISHNAN, DO.DO.

3. CHIEF GENERAL MANAGER,
INDIAN RARE EARTH LIMITED, CHAVARA.

R3 BY ADV. SRI.A.M.SHAFFIQUE

R1 & 2 BY ADV. SRI.K.SUBASH CHANDRA BOSE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/10/2007, ALONG WITH LAA NO. 221 OF 2004 LAA NO. 235 OF 2004 LAA NO. 241 OF 2004 AND LAA NO. 158 OF 2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.471/2003 and 158, 221, 235 & 241/2004

Dated: October 1, 2007

JUDGMENT

Kurian Joseph, J.

These are appeals pertaining to the acquisition of land for Indian Rare Earths Ltd., Chavara. According to the State and the requisitioning authority, even the fixation at the rate of Rs.7000/- per Are is on the high side. However, according to the claimants, the fixation should be atleast Rs.11,115/- per Are. In L.A.A.No.698/2004 this court has held that the claimants therein are entitled for land value at the rate of Rs.11,115/- per Are. That is a neighbouring property. Though the claimants have made a claim for Rs.45,000/- per Are, we are of the view that a fixation at the rate of Rs.11,115/- per Are would be just and reasonable; particularly taking note of the fact that the property covered by these cases are near to the property covered by the judgment referred above.

2. Accordingly, the appeals filed by the State and the requisitioning authority are dismissed and the appeals filed by the claimants are allowed declaring that they are entitled to have land value fixed at Rs.11,115/- per Are and other eligible statutory benefits.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

mt/-

Page numbers

LAA 241 OF 2004

I.A.1294 OF 2004

DISMISSED

1.10.2007 KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE